



U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

October 17, 2017

Exemption No. 9902F
Regulatory Docket No. FAA-2008-1128

Mr. Douglas G. Jeanes
Executive Director
Cavanaugh Flight Museum
4572 Clare Chennault
Addision, TX 75001

Dear Mr. Jeanes:

This letter is to inform you that we have granted your petition to extend Exemption No. 9902, as amended. It transmits our decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends, and lists the revised conditions and limitations.

The Basis for Our Decision

By letter dated May 1, 2017, you petitioned the Federal Aviation Administration (FAA) on behalf Cavanaugh Flight Museum (CFM) for an extension of and amendment to Exemption No. 9902, as amended. That exemption from §§ 91.9(a), 91.315, 91.319(a), 119.5(g), and 119.21(a) of Title 14, Code of Federal Regulations (14 CFR) allows CFM to operate certain aircraft for the purpose of carrying passengers for compensation or hire on local flights for educational and historical purposes for living history flight experiences (LHFE). In this petition, you note your request includes consideration for inclusion of a manual system and a reference that this petition meets all criteria as specified in the FAA living history flight experiences policy published on July 21, 2015 [FR Doc. 2015-17966 Filed 7-20-15], hereinafter referred to as the “FAA Policy.”

In your petition, you indicate that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption.

AFS-17-115283-E

You also note that this petition for exemption extension includes all criteria and requirements for Living History Flight Experience Exemption operations as published in the July of 2015 Federal Register [80 FR 43015]the FAA Policy.

Our Decision

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested amendment to the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to CFM.

The FAA has determined that the justification for the issuance of Exemption No. 9902, as amended, remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C. 106(f), 40113 and 44701, which the FAA Administrator has delegated to me, I hereby grant Cavanaugh Flight Museum (CFM) an exemption from §§ 91.9, 91.315, 91.319(a), 119.5(g), and 119.21(a) of Title 14, Code of Federal Regulations (14 CFR) to allow CFM to operate certain aircraft for the purpose of carrying passengers for compensation or hire for living history flight experiences (LHFE), subject to the following conditions and limitations.

The FAA extends Exemption No. 9902, to allow for the LHFE operations of those experimental exhibition, and limited category aircraft listed within the Conditions and Limitations of this exemption in accordance with the FAA Policy.

Please note that the Conditions and Limitations included with an exemption may not be based on specific regulations, but are the FAA's means of ensuring an equivalent level of safety. This may necessitate limitations that go beyond the established regulations because the proposed operation is, by its need for an exemption, outside the normal regulatory structure. In addition, the FAA may, when necessary, revise the conditions and limitations or require corrective action in order to adequately mitigate safety concerns and risk factors as they become known.

The Conditions and Limitations of this exemption differ from those of Exemption No. 9902E, which are canceled and replaced by these new Conditions and Limitations.

Conditions and Limitations

1. This exemption applies only to the aircraft listed below:
 - a. Douglas B-26, N7705C, serial number 4435710;
 - b. Douglas EA-1E, N65164, serial number 55-471DH;
 - c. Goodyear FG1D, N451FG, serial number 92399;
 - d. Grumman TBM, N86280, serial number 86280;
 - e. Grumman S-2 Tracker, N37AM, serial number 136431;
 - f. North American B-25, N5548N, serial number 46-4106;
 - g. North American P-51, N51JC, serial number 4472339;
 - h. North American T-28B, N228TS, serial number 200-422;

- i. North American T-28B, N828JC, serial number 137789; and
 - j. North American T-28B, N52424, serial number 140012
- 2. CFM must maintain and apply, on a continuous basis, an operational control structure that meets the criteria specified in the FAA Policy.
- 3. CFM must maintain and apply, on a continuous basis, its Manual System, to include all documents contained therein, used as its basis for an equivalent level of safety, for all operations subject to this exemption. This system must continue to ensure all criteria in the FAA Policy are continuously met, including the conditions and limitations of this exemption. CFM will be assigned a jurisdictional Flight Standards District Office (FSDO). CFM must provide its Manual System documents, including revisions, in a form and manner acceptable to the CFM jurisdictional FSDO. The Manual System, document revisions, and a record of revisions must be provided to the jurisdictional FSDO within 10 days of any changes. These documents include, at a minimum:
 - a. CFM General Operations Manual (GOM) inclusive of;
 - b. CFM Pilot Qualifications and Training;
 - c. CFM Maintenance Operations and training;
 - d. CFM Safety Program Safety Management System (SMS); and
 - e. CFM Stand alone Approved Inspection Programs(AIP)
- 4. In order to participate in CFM's program and operations, persons must initially, and on an annual basis, receive training appropriate to their position on the contents and application of CFM's Manual System, safety and risk management program, and the Conditions and Limitations set forth in this exemption.
- 5. CFM must maintain and apply, on a continuous basis, its safety and risk management program that meets or exceeds the criteria specified in the FAA Policy for all operations subject to this exemption. This includes, at minimum, the CFM SMS used as a basis for an equivalent level of safety.
- 6. CFM must maintain all aircraft subject to this exemption in accordance with the—
 - a. CFM General Maintenance Manual;
 - b. Maintenance requirements as specified in the appropriate type specification sheet, as amended;
 - c. FAA-approved maintenance inspection program that meets the requirements of § 91.409(e), (f)(4), and (g); and
 - d. Appropriate military technical manuals.
- 7. CFM must document and record all ground and flight training and testing. The documentation and records must contain, at minimum, the following information:
 - a. Date of each training or testing session;
 - b. The amount of time spent for each session of training given;
 - c. Location where each session of training was given;

- d. The airplane identification number(s) in which training was received;
 - e. The name and certificate number (when applicable) of the instructor who provided each session of training;
 - f. The name and certificate number of the pilot who provided each session of testing; and
 - g. For verification purposes, the signature and printed name of the person who received the training or testing.
8. No person may serve as a flight crewmember unless, since the beginning of the 12th calendar month before that service, that pilot has completed all CFM and FAA-required training, and passed a competency check given by the FAA or an authorized check pilot in that aircraft, to determine the pilot's competence in practical skills and techniques. The competency check will consist of the maneuvers and procedures currently required for the original issuance of the commercial pilot certificate, except that an actual engine shutdown, restart and propeller feathering exercise for those pilots already holding the appropriate Type Rating or Experimental Authorization is not required.
9. CFM must maintain the following information and records:
- a. The name of each pilot crewmember CFM authorizes to conduct flight operations under the terms and conditions of this exemption;
 - b. Copies of each pilot crewmember's pilot certificate, medical certificate, qualifications, and initial and recurrent training and testing documentation to comply with these conditions and limitations;
 - c. The name of each mechanic CFM authorizes to conduct maintenance operations under the terms and conditions of this exemption;
 - d. Copies of each mechanic's certificate, qualifications, and initial and recurrent training, and testing documentation to comply with the terms and conditions of this exemption; and
 - e. Records of maintenance performed, and maintenance inspection records to comply with the conditions above. Maintenance and inspection records must meet the requirements of §§ 43.9, 43.11, and 91.405.
10. CFM must make available to the FAA upon request any manual, document or record used to meet the criteria specified in the FAA Policy and these Conditions and Limitations.
11. Before permitting a person to be carried on board its airplane for the purposes authorized under this exemption, CFM will inform that person of the type of airworthiness certificate held, and the significance of that certificate as compared to a Standard Airworthiness Certificate.
12. CFM must notify the jurisdictional Flight Standards District Office (FSDO) within 24 hours of any of the following occurrences by written report, by electronic mail, or by facsimile:

- a. Each in-flight fire in any system or area that requires activation of any fire suppression system or discharge of a portable fire extinguisher;
- b. Each exhaust system component failure including the turbocharger components that causes damage to any engine, structure, cowling, or components;
- c. Each airplane component or system that causes, during flight, accumulation or circulation of noxious fumes, smoke, or vapor in any portion of the cabin or crew area;
- d. Except when intentional for training, each occurrence of engine shutdown or propeller feathering, and the reason for such shutdown or feathering;
- e. Each failure of the propeller governing system or feathering system;
- f. Any landing gear system or component failure or malfunction, which require use of emergency or standby extension systems;
- g. Each failure or malfunction of the wheel brake system that causes loss of brake control on the ground;
- h. Each airplane structure that requires major repair due to damage, deformation, or corrosion and the method of repair;
- i. Each failure or malfunction of the fuel system, tanks, pumps, or valves;
- j. Each malfunction, failure, or defect in any system or component that requires taking emergency action of any type during the course of any flight; and
- k. For the purpose of this section, "during flight" means the period from the moment the airplane leaves the surface of the earth on takeoff until it touches down on landing.

13. All flight operations must be conducted —

- a. At a minimum operating altitude of not less than 1,000 feet above ground level (AGL);
- b. Between the hours of official sunrise and sunset, as established in the American Air Almanac, as converted to local time;
- c. Within a 50-statute-mile radius of the departure airport with landings only permitted at the departure airport;
- d. With a minimum flight visibility of not less than 3 statute miles and a minimum ceiling of not less than 1,500 feet AGL;
- e. For passenger-carrying flights greater than 25 statute miles from the departure airport and up to 50 statute miles, the pilot-in-command (PIC) must obtain weather reports and forecasts prior to flight and valid for the duration of the proposed operation that indicate that the weather would be no less than 5 statute miles visibility and cloud ceilings no less than 2,000 feet AGL. Passenger-carrying operations shall be terminated if ceiling and visibility become less than the minimum required by these Conditions and Limitations. Weather forecasts listing discriminators such as probability (PROB), becoming (BECMG), or temporarily (TEMPO) shall be limiting; and

- f. Operations conducted for the purpose of dispersing human remains must comply with applicable Federal, State, and local laws and regulations governing the dispersal of human remains.
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- 14. All flight operations must carry no more than the maximum number of passengers permitted by the aircraft's weight and balance limitations and number of approved seats in the airplane.
 - 15. All aircraft must have the equipment listed in §§ 91.205(b) and 91.207, and that equipment must be in an operable condition during the flight.
 - 16. No later than 72 hours prior to commencing flight operations under the terms of this exemption, CFM must notify the FSDO having geographic responsibility where it intends to conduct the flight operations and shall provide a copy of this exemption upon request.
 - 17. Aerobatic flight is prohibited while passengers are onboard the aircraft.
 - 18. Flight within 500 feet of another aircraft (i.e., formation flying) is prohibited.
 - 19. Prior to flight, the PIC must ensure that a passenger briefing meeting the scope and content of § 135.117 has been provided to the passengers.
 - 20. Only those listed by CFM as a qualified PIC or second-in-command (SIC) for the aircraft, may occupy a pilot station, or manipulate the flight controls.
 - 21. CFM must operate all flights within the confines of its Manual System, the applicable regulations, conditions and limitations of this exemption, and is bound by whichever is more restrictive.
 - 22. Failure to comply with any of these conditions and limitations is grounds for the immediate suspension or revocation of this exemption.
 - 23. The North Texas FSDO is the jurisdictional Flight Standards District Office for CFM and is responsible for oversight of CFM for all matters pertaining to this exemption and the operation of the aircraft under this exemption.
 - 24. This exemption is not valid for operations outside of the United States of America.

The Effect of Our Decision

Our decision extends the termination date of Exemption No. 9902, to October 31, 2019, unless sooner superseded or rescinded.

Sincerely,

/s/

John Barbagallo
Executive Dputy Director, Flight Standards Service